

Below is an Order of the Court.

The hearing referenced below took place August 9, 2017 at 10:30 a.m. in Courtroom 1 of the United States Bankruptcy Court for the District of Oregon. A recording of the hearing is docketed as Doc. 186."



PETER C. McKITTRICK
U.S. Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re:

PETER SZANTO,

Debtor.

PETER SZANTO,

Plaintiffs,

v.

EVYE SZANTO, VICTOR SZANTO,
NICOLE SZANTO, KIMBERLEY SZANTO,
MARIETTE SZANTO, ANTHONY
SZANTO, AUSTIN BELL, JOHN BARLOW,
and BARBARA SZANTO ALEXANDER,

Defendants.

Case No. 16-33185-pcm11

Adv. Proc. No. 16-03114-PCM

ORDER REGARDING:

- 1) PLAINTIFF'S THIRD MOTION TO COMPEL [Dkt No. 169];
- 2) PLAINTIFF'S MOTION TO EXTEND DISCOVERY BEYOND 7-31-17 [Dkt No. 171];
- 3) DEFENDANTS' MOTION FOR LIMITED EXTENSION OF DISCOVERY CUTOFF DEADLINE [Dkt. No. 172]; AND
- 4) DEFENDANTS' MOTION FOR PROTECTIVE ORDER [Dkt. No. 173]

THIS MATTER came before the Court on Plaintiff's Third Motion for Order Compelling Compliance with Discovery and an Order Awarding Costs and Sanctions and Request to Consider Entering Judgment Against Defendants [Dkt. No. 169] (hereinafter referred to as "Plaintiff's Third Motion to Compel"), on Plaintiff's Notice of Motion and Motion to Extend Discovery Beyond 7-31-17 [Dkt. #171] (hereinafter referred to as "Plaintiff's Motion to Extend Discovery Cutoff"), on Defendants' Motion for Limited Extension of Discovery Cutoff Deadline [Dkt #172] (hereinafter referred to as "Defendants' Motion to Extend Discovery Cutoff"), and on Defendants' Motion for Protective Order [Dkt. #173]. Plaintiff Peter Szanto ("Plaintiff") appeared *in pro per*, and Defendants Evye Szanto, Victor Szanto, Nicole Szanto, Kimberley Szanto, Mariette Szanto, Anthony Szanto, Austin Bell, John Barlow and Barbara Szanto Alexander ("Defendants") appeared by and through their attorney Nicholas J. Henderson of Motschenbacher & Blattner LLP.

The Court having reviewed the pleadings, having heard the arguments of the parties, and being otherwise duly advised in the premises as follows; now, therefore,

IT IS HEREBY ORDERED as follows:

1. The Defendants' Motion for Protective Order is GRANTED for the reasons stated on the record;
2. The Plaintiff's Motion to Extend Discovery Cutoff is DENIED for the reasons stated on the record;
3. The Defendants' Motion to Extend Discovery Cutoff is GRANTED. The Discovery Completion Deadline shall be extended to September 11, 2017, for the limited purpose of deposing Susan Szanto;

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4. Regarding the Plaintiff's Third Motion to Compel:
 - a. On or before August 19, the Defendants shall produce documents in their possession, custody or control that 1) substantiate attorney's fees they believe are damages caused by Plaintiff, and/or 2) substantiate emotional damages they allege were caused by Plaintiff;
 - b. On or before August 19, 2017, Defendants' Counsel shall submit a declaration stating that he has consulted with each Defendant regarding documents required to be produced pursuant to Section 4.a. of this Order, and that each Defendant asserts that he/she has produced all such documents in their possession, custody or control;
 - c. On or before August 19, 2017, Defendants shall submit an amended response to Plaintiff's Discovery Demand for Defendants to Produce and Number Documents – Request 6, to identify the Bates-numbers of documents previously produced to the Plaintiff; and
 - d. The Plaintiff's Third Motion to Compel is DENIED in all other respects. Neither party is awarded fees or costs at this time. However, if Defendants file a motion for sanctions against Plaintiff in the future, the Court will examine whether Plaintiff is entitled to a setoff for any costs he incurred with respect to the Third Motion to Compel.

5. Defendants may file a separate motion to compel the Plaintiff to consent to Google disclosing emails between the Plaintiff and the Defendants' attorneys.
6. The Plaintiff shall have until August 18, 2017, to file a Motion to Compel related to the Defendants' responses to the Plaintiff's Request For Production of Documents 7. If the

Plaintiff chooses to file such a Motion and if the Court finds that the Motion was not substantially justified, then the Court shall award the Defendants their Attorney's fees incurred as a result of the Motion.

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I certify that I have complied with the requirements of LBR 9021-1(a)(2)(A).

Order Presented by:

MOTSCHENBACHER & BLATTNER, LLP

/s/ Troy G. Sexton

Troy G. Sexton, OSB #115184

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Attorney for Defendants

PARTIES TO SERVE

ECF-registered parties, and the following party requiring notice by US Mail:

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